

AO 91 (Rev 8/01) Criminal Complaint

United States District Court
Southern District of Texas
FILED

United States District Court

APR - 9 2020

SOUTHERN

DISTRICT OF

TEXAS

David J. Bradley, Clerk

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Jose Jesus MEDINA-ANAYA (YOB: 1981) MEX

Joshua ISLAS (YOB: 1993) USA

Rene SEPULVEDA (YOB: 1996) USA

Case Number: M-20-0841-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my

knowledge and belief. On or about April 7, 2020 in Starr County, inthe Southern District of Texas the defendant(s)

(Track Statutory Language of Offense)

Conspiracy to Possess with the Intent to Distribute and Possession with Intent to Distribute Marijuana, approximately 545 kilograms, a Schedule I controlled substance.in violation of Title 21 United States Code, Section(s) 846 and 841I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:

See attached affidavit.

Continued on the attached sheet and made a part of this complaint:

Approved by: AUSA Patricia Cook Profit

Submitted by reliable electronic means, sworn to and attested to telephonically per Fed. R. Cr. P. 4.1, and probable cause found on:

Sworn to before me and subscribed in my presence, meApril 8, 2020 9:10 amPeter E. Ormsby, U.S. Magistrate Judge
Name and Title of Judicial Officer☒ Yes No

/s/ Juan Samaniego

Signature of Complainant

Juan Samaniego Border Patrol Agent

Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

PROBABLE CAUSE / FACTS:

On March 30, 2020, an SOI contacted Border Patrol Agents and stated that GARCIA drug trafficking organization (DTO) members Luis SEPULVEDA and his brother Rene SEPULVEDA were utilizing a gray colored Honda pickup truck, a silver colored single cab Chevrolet Silverado, and a black GMC sports utility vehicle for the smuggling and scouting of large amounts of narcotics out of the Midway Road in Rio Grande City, Texas. The SOI stated that the Honda truck had rails on the roof and was being driven by Luis SEPULVEDA and that the silver Chevrolet Silverado was being driven by Rene SEPULVEDA. The SOI stated that the black GMC was being utilized by Luis SEPULVEDA and Rene SEPULVEDA to transport narcotics while the silver Chevrolet Silverado and grey Honda truck were scouting for law enforcement to prevent the apprehension of the narcotics. The SOI stated Luis SEPULVED and Rene SEPULVEDA were facilitating the crossing of narcotics from Mexico into the United States via the Rio Grande River behind the water treatment plant located on Midway Road, Rio Grande City, Texas. This area is known to Border Patrol Agents as the Caged Pump area and is a known to agents as an area utilized for the importation of narcotics into the U.S.

On March 30, 2020, agents observed a gray Honda Ridgeline, matching the description provided by the SOI, conducting suspected scouting activities on Midway Road. At approximately 3:22 p.m., agents observed the Honda Ridgeline drive north on Midway to the intersection of Midway Road and U.S. Highway 83. At approximately 3:26 p.m., agents observed a black GMC Envoy, matching the description provided by the SOI, drive north on Midway Road and then drive east on U.S. Highway 83.

On April 3, 2020, at approximately 4:56 p.m. agents observed a heavy set male wearing a black colored hat with a large dark beard walk north from the Rio Grande River in the area of Caged Pump and then walk south with a phone in his hand. This is consistent with what this agent has observed with other subjects scouting for illegal narcotic loads in this area. This agent observed that male subject was wearing a large silver colored name bracelet on his right hand and a large silver colored necklace around his neck. From 4:56 p.m. to 5:43 p.m., agents observed the Honda Ridgeline travel north and south on Midway Road several times. At approximately 5:43 p.m., agents observed the black GMC Envoy drove north to the intersection of Midway Road and U.S. Highway 83.

On April 5, 2020, at approximately 1:58 p.m. agents observed one male subject walking north from the Rio Grande River in the Caged Pump area. Shortly after, agents observed the subject walking south at Caged Pump area. During this same time, agents observed numerous vehicles driving north and south on Midway Road performing suspected scouting activities.

On April 7, 2020, at approximately 2:09 p.m., agents observed two subjects, with their faces covered with balaclavas, walking in area of the Caged Pump. During this same time frame,

agents observed a silver single cab Chevrolet truck, matching the vehicle description provided by the SOI, parked on the river road just upriver of the location where the two subjects were observed.

At approximately 6:05 p.m., agents observed the black GMC Envoy drive north on Midway Road and then travel east on U.S. Highway 83. Agents subsequently observed the GMC Envoy travel to Tractor Supply parking lot which is a known scouting location for the GARCIA DTO. Agents observed that the GMC Envoy was at Tractor Supply for a brief period of time before leaving.

At approximately 6:53 p.m., agents observed that the black GMC Envoy was in close proximity to the Rio Grande River. Agents subsequently observed the GMC Envoy drive from the area of the Caged Pump and travel north on Midway Road. Agents observed the GMC Envoy travel east on U.S. Highway 83, approximately one city block, before turning north and driving through the parking lot of an abandoned oil and lube business. Agents observed the GMC Envoy travel to the back of the business where it continued north through an empty lot, then onto Bowie Lane. As agents turned onto Bowie Lane, agents observed the GMC Envoy turn south onto Travis Street and then west on to U.S. Highway 83. Agents then observed the GMC Envoy travel west until turning south on to Midway Road. Agents observed that the GMC Envoy route of travel was circuitous and consistent with a narcotics load vehicle driver performing counter surveillance for law enforcement. At this point, agents attempted to conduct a vehicle stop of the GMC Envoy. The GMC Envoy subsequently failed to yield to agents and fled south on Midway Road. Agents followed the GMC Envoy as it travelled south and then drove into the Rio Grande River. Agents then observed Jose Jesus MEDINA-ANAYA attempting to abscond from the submerged vehicle. MEDINA-ANAYA was subsequently apprehended by agents in the river. MEDINA-ANAYA was identified as Mexican citizen and national who is illegally in the United States.

A search of the GMC Envoy resulted in the discovery of fifty (50) bundles of suspected marijuana. The bundles were subsequently processed at the Border Patrol station, weighed approximately 545 kilograms, and contained suspected marijuana.

While agents were pursuing the GMC Envoy south on Midway Road, agents observed Rene SEPULVEDA and Joshua ISLAS in a silver Chevrolet Silverado attempting to drive out of the Outlaws Café parking lot which is located at the northeast corner of the intersection of Midway Road and U.S Highway 83. Outlaws Café is owned by Rene SEPULVEDA and his wife and has been identified as a scouting location for the GARCIA DTO. Agents observed that Rene SEPULVEDA and Joshua ISLAS were dressed identical to the two subjects observed at the river at approximately 2:09 p.m. Furthermore, agents observed that the shoes worn by Rene SEPULVEDA and Joshua ISLAS had the same shoe prints as shoe prints observed in the area where the black GMC Envoy was driven into the river by MEDINA-ANAYA. Additionally, agents observed that Joshua ISLAS was wearing a silver colored bracelet and a large silver colored necklace which matches the description of the suspected scout in the area of the Caged Pump on April 3, 2020, at approximately 4:56 p.m.

During field interviews with agents, Rene SEPULVEDA and Joshua ISLAS stated that they were performing landscaping work on a property owned by Rene SEPULVEDA along Midway Road

for approximately two-three hours around 2:00 p.m. on this same date, however, both subjects denied being in the area of the Rio Grande River on April 07, 2020 or being involved in smuggling activity. Both Rene SEPULVEDA and Joshua ISLAS showed agents a small area where they were landscaping on Midway Road. Agents observed that the area was poorly landscaped and did not appear to be a legitimate attempt to landscape the small property.

During a post-arrest Mirandized interview, MEDINA-ANAYA admitted to driving the black GMC Envoy loaded with marijuana. MEDINA-ANAYA stated that he made arrangements to cross illegally into the United States after his previous deportation. MEDINA-ANAYA stated that he agreed to drive a vehicle loaded with narcotics from the river to a previously indicated drop off point in order to pay off his crossing fee into the U.S. MEDINA-ANAYA stated that "Barbas" is the person he had made all his smuggling arrangements with for crossing into the United States and driving the black GMC Envoy with the marijuana. MEDINA-ANAYA subsequently identified Joshua ISLAS out of a photo lineup as "Barbas." MEDINA-ANAYA stated that he illegally crossed into the U.S. where he met with "Barbas" who transferred the GMC Envoy over to him. MEDINA-ANAYA stated that "Barbas" provided MEDINA-ANAYA with instruction on where to go and to evade apprehension by law enforcement via cellular telephone.

During a post-arrest Mirandized interview, ISLAS admitted that he had been working for Rene Sepulveda as a scout for narcotics loads for approximately a month. ISLAS stated the Rene Sepulveda would pay him \$500 USD to scout for law enforcement while narcotics loads were being coordinated and smuggled though the Midway Road area in Rio Grande City, Texas. ISLAS stated that he would scout sometimes at the river or by driving around the area, but his primary post for scouting for law enforcement was at Outlaws Drive-by convenient store located at the intersection of Suntex Road and U.S. Highway 83 in Rio Grande City, Texas. Of note, Outlaws is owned and operated by Rene Sepulveda and his wife Delinda Alonso. ISLAS also stated that before Border Patrol had apprehended a narcotics load at the river south of Midway Road on April 7, 2020, he and someone else had successfully transported a load of narcotics to a stash house located on 33 King Road Rio Grande City, Texas. He described the house as being located directly next to and east of the two-story house. ISLAS stated a black Chevrolet Silverado would be on the property directly in front of the house. ISLAS stated this stash house belonged to Rene Sepulveda and had been taken to the location by Sepulveda on a previous occasion. ISLAS drew agents a layout and described where the narcotics would be concealed. ISLAS stated that no one lives at the residence and that it is used strictly as a stash house for narcotics.